

France on Trial

France on Trial
The Case of Marshal Pétain

JULIAN JACKSON

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(bottom) Adolf Hitler welcomes Pétain in Montoire-sur-le-Loir, 1940 © Alamy

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In memory of Michael Sibal

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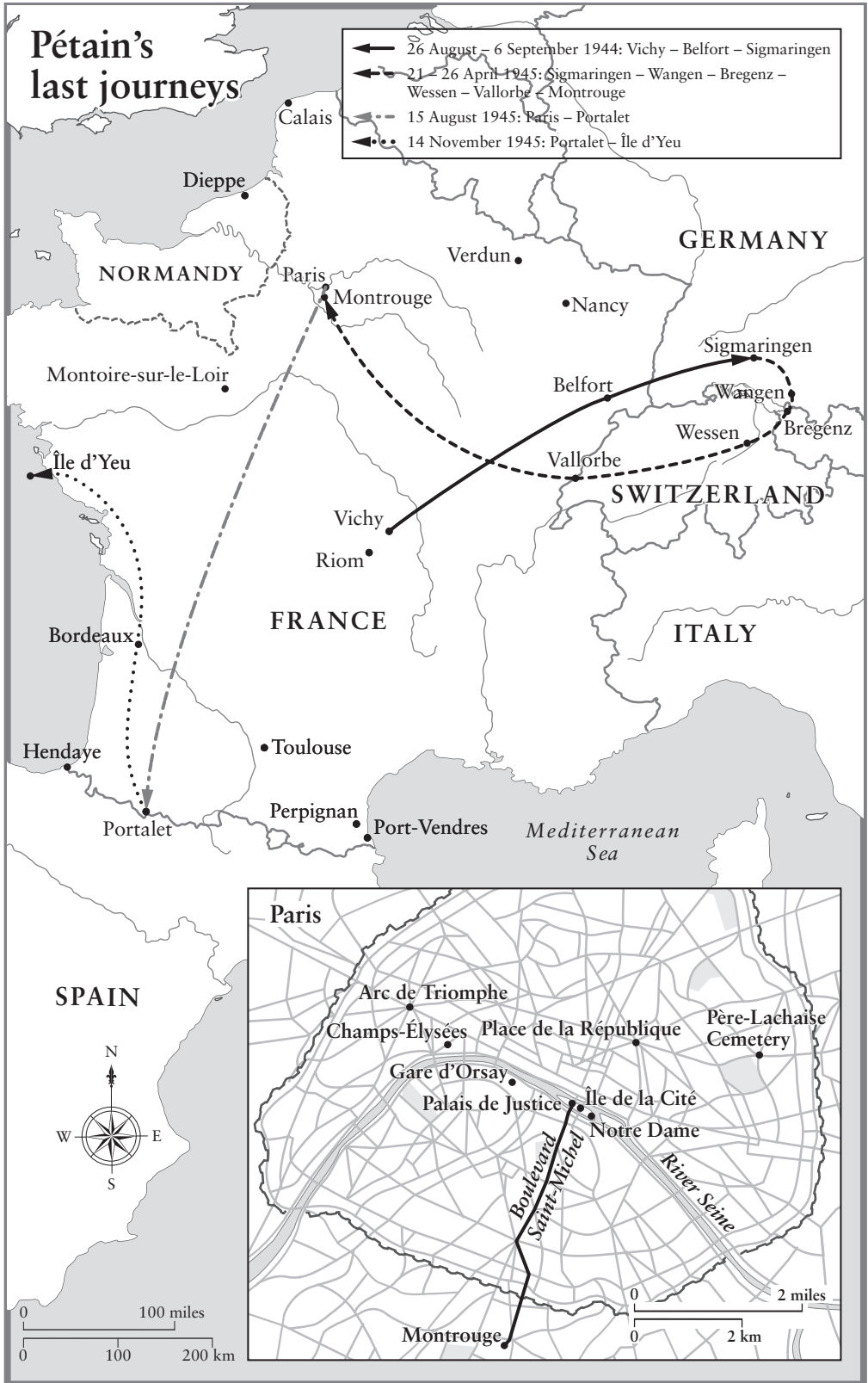
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Acknowledgements

The writing of every book has its own story. In this case, research was initially disrupted in December 2019 by a wave of French strikes protesting against pension reforms. As a result, to visit archives or libraries, if they were open, involved long walks across Paris. No sooner were the strikes over than Covid struck. This ruled out a planned visit to the State Department archives in Washington. Instead, I wish to thank Sahand Yazdanyar for researching in those archives on my behalf once they had reopened. My visit to Pétain's grave on the Île d'Yeu was also delayed by a year, but it is a pleasure to thank Sam, Merry and family for organizing that trip, and making it so pleasurable when it finally took place in the summer of July 2021.

Visiting the courtroom where Pétain's trial took place was complicated by the fact that the Palais de Justice had become a no-go zone during the interminable trial of the Bataclan terrorists. My visit finally took place thanks to the magistrate Marie-Luce Cavrois, who showed me round the Palais. She also introduced me to her colleague and friend Jean-Paul Jean, who generously shared with me his extensive knowledge of the French magistrature at the time of the *épuration*.

My dear friend Carol Piketty, although now sadly retired from the Archives Nationales, was nonetheless able to give me many useful tips, and put me in touch with her former colleague Olivier Chosaland, who helpfully guided me through the papers of Louis-Dominique Girard, which he had recently catalogued.

Many friends and colleagues read the book in various stages. The first was Colin Jones, who also, at the very beginning of the project, found me my title. Patrick Higgins, who read a long version of the book, commented as robustly and perceptively as he always does.

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Marc-Olivier Baruch, Robert Paxton and Antoine Prost were all kind enough to read the almost finished text very closely. They collectively saved me from many mistakes. Robert Gildea, who read the manuscript for Penguin, offered very helpful suggestions on a somewhat raw version; as did the anonymous reader for Harvard.

My agent Andrew Gordon was, as always, supportive, and his gently incisive comments on an early draft succeeded in the delicate task of making it clear that much work remained to be done while not terminally depressing me. The team at Allen Lane have once again been a joy to work with. Richard Mason was a superb copy-editor; and Alice Skinner an efficient solver of many problems. I feel once again privileged to have as my Penguin editor the deservedly legendary Stuart Proffitt, who devotes such care and thought to his manuscripts. Over the final three weeks, my editor at Harvard, Joy de Menil, gave the book an extraordinarily close reading. I have never previously lived such an intensive, enriching and stimulating collaboration with an editor on a book manuscript.

Most of the book was written in the wonderful surroundings of the Cévennes during the two Covid lockdowns which I spent there with Douglas, my partner. Douglas is always hoping each new book will take less time and cause less mess (papers and books strewn on the floor) than the previous one. He is always disappointed but without his love and support the books would not be written at all.

Boisset-et-Gaujac, November 2022

Dramatis Personae

The Defendant

Marshal Philippe Pétain (1856–1951): military hero; head of the Vichy *État français*, 1940–1944.

The Prosecution

Pierre Bouchardon (1870–1950): *juge d'instruction* (examining magistrate) in many First World War treason trials, and for the trial of Pétain.

André Mornet (1870–1955): *procureur* (prosecutor) in many First World War treason trials, and for the trial of Pétain.

The Judge

Pierre Mongibeaux (1879–1950).

The Jurors

Parliamentary Jurors: Bèche, Émile (1898–1977); Bender, Émile (1871–1953); Bloch, Jean-Pierre (1905–1999); Delattre, Gabriel (1891–1984); Dupré, Léandre (1871–1951); Faure, Pétrus (1891–1985); Lévy-Alphandéry, Georges (1862–1948); Mabrut, Adrien (1901–1987); Prot, Louis (1889–1972); Renoult, René (1867–1946); Sion, Paul (1886–1959); Tony-Révillon, Michel (1891–1957). Reserves (*suppléants*): Catalan, Camille (1889–1951); Chassaing, Eugène (1876–1968); Rous, Joseph (1881–1974); Schmidt, Jammy (1872–1959).

Resistance Jurors: Bergeron, Marcel (1899–1972); Gervolino, Roger (1909–1991); Guérin, Maurice (1887–1969); Guy, Jean (n.d.); Lecompte-Boinet, Jacques (1905–1974); Lescuyer, Roger

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(1919–1971); Loriguet, Marcel (1913–1983); Meunier, Pierre (1908–1996); Perney, Ernest (1873–1946); Yves Porc'her (1887–1969); Seignon, Henri (1899–1973); Stibbe, Pierre (1912–1967). Reserves (*suppléants*): Destouches, Gilbert (1909–2005); Lévêque, Marcel (1924–?); Poupon, Georges (1911–1974); Worms, Jean ('Germinal') (1894–1974).

The Defence Lawyers

Jacques Isorni (1911–1995): defence lawyer in the purge trials of Robert Brasillach and Pétain; devoted much of his life to the defence of Pétain's reputation.

Jean Lemaire (1904–1986): a member of the defence team and later a President of the Association to Defend the Memory of Marshal Pétain (ADMP).

Fernand Payen (1872–1946): civil lawyer and senior defence lawyer.

Witnesses for the Prosecution*

Léon Blum (1872–1950): Socialist politician; head of the left-wing Front Populaire government in 1936. Tried and imprisoned by Vichy.

Édouard Daladier (1884–1970): French premier, 10 April 1938–21 March 1940; tried and imprisoned by Vichy.

Albert Lebrun (1871–1950): President of the French Republic in 1940.

Jules Jeanneney (1864–1957): President of the Senate (upper house of parliament) in 1940.

Louis Marin (1871–1960): Conservative French politician; member of Paul Reynaud's government in 1940.

Édouard Herriot (1872–1957): President of the Chamber of Deputies (lower house of parliament) in 1940.

Paul Reynaud (1878–1966): French premier, 21 March–16 June 1940; interned by Vichy.

François Charles-Roux (1879–1961): Head of the Quai d'Orsay (French Foreign Ministry), May–October 1940.

Paul-André Doyen (1881–1974): General and French representative on the Armistice Commission until July 1941.

* In total, eighteen witnesses were called for the prosecution and forty-one for the defence.

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Witnesses for the Defence

Jean Berthelot (1897–1985): Engineer; Vichy Minister of Transport, December 1940–April 1942.

Henri Bléhaut (1889–1962): Admiral; Vichy Naval and Colonial Minister from March 1943; accompanied Pétain to Sigmaringen.

Jacques Chevalier (1882–1962): Catholic philosopher; Vichy Minister of Education, December 1940–February 1941.

Victor Debeney (1891–1956): General; head of Pétain’s secretariat from August 1944; accompanied him to Sigmaringen.

Marcel Peyrouton (1887–1983): Vichy Minister of the Interior, July 1940–February 1941.

Bernard Serrigny (1870–1954): General; old friend of Pétain.

Jean Tracou (1891–1988): Head of Pétain’s *cabinet civil* in 1944.

Maxime Weygand (1867–1965): General; appointed commander-in-chief of the French Army, 28 May 1940; Vichy Delegate to North Africa, September 1940–November 1941; arrested by the Germans in November 1942.

Other Witnesses Called to Testify by the Judge

Fernand de Brinon (1885–1947): Vichy delegate to the Occupied Zone; head of Sigmaringen government, 1944–1945.

Joseph Darnand (1897–1945): Founder and leader of the *Milice*; Vichy Minister of the Interior in 1944.

Pierre Laval (1883–1945): Leading politician of the Third Republic; Vichy prime minister, July–December 1940 and April 1942–August 1944.

Georges Loustaunau-Lacau (1894–1955): French army officer; anti-Communist right-wing conspirator.

Pétainists Who Did Not Testify in the Trial

Raphaël Alibert (1887–1963): Right-wing activist; Vichy Minister of Justice, July 1940–February 1941; condemned to death in absentia 1947.

Gabriel Paul Auphan (1894–1982): Admiral: Vichy Naval Minister, April–November 1942; went into hiding at the Liberation and sentenced to hard labour in absentia in 1946.

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Jean Borotra (1898–1994): Tennis champion in the 1920s (twice Wimbledon singles champion); Vichy Commissioner for Sport, 1940–1942.

Louis-Dominique Girard (1911–1990): Deputy head of Pétain’s *cabinet civil* in 1944; married Pétain’s great grand-niece in 1949 and wrote several books defending Pétain.

Bertrand Ménétreel (1906–1947): Pétain’s doctor and close adviser; accompanied him to Sigmaringen.

Louis Rougier (1889–1982): Philosopher who claimed to have negotiated an agreement with Churchill in 1940; indefatigable pro-Pétain polemicist after 1945.

Introduction: The Fateful Handshake

October 1940 was a busy month for Adolf Hitler. In the early hours of Tuesday 22nd he set off from Munich in his special train, 'Amerika', to meet the Spanish leader Francisco Franco. Passing through France, he stopped at the small town of Montoire-sur-le-Loir for a brief meeting with the French prime minister, Pierre Laval. On Wednesday the train reached Hendaye, on the Spanish frontier. This was where Hitler had to meet Franco, as the gauge width of Spanish railways prevented him from going any further. The next day, on the return journey, he stopped again at Montoire in the afternoon. This time he was meeting the French Head of State, Marshal Philippe Pétain, before rounding off his railway tour with a visit to Benito Mussolini in Florence.

Behind this flurry of railway diplomacy lay an uncomfortable truth: Germany had just lost the Battle of Britain. Hitler's mind now turned to destroying British naval power in the Mediterranean. Such a strategy would require the support of the three Mediterranean powers: Spain, France, Italy. Hitler's ten-hour encounter with Franco was a disaster. 'I would rather have three or four teeth extracted than go through that again,' he told Mussolini. He had hoped that the Spanish leader might join the war or at least open Gibraltar to German troops, but Franco had asked to be rewarded with French territories in North Africa coveted by Spain, which would have jeopardized any chance of Hitler rallying France to his Mediterranean plans. Hitler needed to square the competing interests of the French and Spanish and, if that proved impossible, to decide which country had more to offer him. That was his purpose in sounding out Pétain.

Venerated as a hero of the Great War, the eighty-four-year-old Marshal had become head of government in June 1940 after a six-week

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campaign in which France's armies had been humiliatingly routed by the Germans. Believing that further resistance was futile, Pétain had signed an armistice with Germany. This allowed the Germans to occupy two-thirds of French territory while leaving an unoccupied 'Free Zone' in the South. Since Paris was in the Occupied Zone, Pétain's government installed itself at the town of Vichy in central France. Famous as a spa resort, Vichy was a curious choice of capital city – rather as if the British had moved their government to Harrogate in North Yorkshire. But the town's numerous hotels provided ready accommodation for the influx of officials and ministers who replaced its habitual clientele of valetudinarians and holiday-makers. This setting imparted a somewhat surreal character to France's new government: 'a banana Republic with no bananas', as one observer described it.¹ But Vichy was not really a Republic either, as Pétain's government had suspended France's democratic institutions and installed a quasi-dictatorship. The motto of the former Republic, 'Liberty, Equality, Fraternity', was replaced by 'Work, Family, Fatherland'.

No one expected the French government to remain in Vichy for long. Most assumed the armistice would be a short-lived arrangement pending a full peace treaty after Britain's defeat. When that defeat failed to materialize, the terms of the armistice started to weigh heavily on France: they contained no provision for the release of over one million French soldiers taken prisoner in June 1940 who remained incarcerated in Germany. The demarcation line imposed by the armistice between the Free and Occupied Zones paralysed the French economy and disrupted daily life, and the French were required to pay a daily indemnity to cover German occupation costs. In short, the armistice was a noose around France's neck. The Vichy government was desperate to loosen the knot. Thus Pétain had his own reasons for wanting to meet Hitler when the unexpected opportunity arose.

Why Montoire-sur-le-Loir? The town was conveniently located on a branch line just off the main railway route from Paris to Spain. Security considerations also played a part. Hitler's 'Amerika' was a fortress on wheels, with sumptuous accommodations, a state-of-the-art communications centre, and its own anti-tank gun batteries. But this was not enough. Every stopover had to be close to a tunnel in case of aerial attack. Montoire was near to the tunnel of Saint-Rémy,

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where heavy iron doors were hastily installed in preparation for the visit. The town's 2,800 inhabitants were instructed to stay home and to keep their shutters closed. The mayor was seized as a potential hostage and designated as food taster to forestall any attempt to poison his visitor. The station was decked out with tropical plants from the Botanical Gardens of nearby Tours and a red carpet was commandeered from Montoire's church. A certain solemnity was required for the occasion.

Pétain's party, which included Pierre Laval, drove up from Vichy on the afternoon of 24 October. It was the first time Pétain had set foot in the Occupied Zone since the signing of the armistice. Any outing was a welcome relief from the monotony of Vichy. The meeting took place in Hitler's saloon car. Also present were the German Foreign Minister, Joachim von Ribbentrop, and Hitler's interpreter, Paul Schmidt. Hitler, who had served as an ordinary soldier in the Great War, was impressed to find himself in the presence of the last surviving titan of that conflict. On meeting Pétain he said in German: 'I am happy to shake the hand of a Frenchman who was not responsible for this war.' Since there was no interpreter present at that moment, Pétain replied evasively, in French: 'Splendid, splendid; thank you.'

While Pétain and Laval were ensconced with Hitler, other members of the French party, including Pétain's doctor and adviser Bernard Ménétrele, exchanged pleasantries and *petits fours* with Hitler's doctor and a German diplomat. The two doctors discussed the health of their respective patients – Pétain's more robust than Hitler's. The Führer treated his guest with deference, accompanying him to his car once the meeting was over. He certainly found Pétain more agreeable than 'that Jesuit cur' Franco. As for Pétain, always susceptible to flattery, he was more favourably impressed by the former Austrian corporal than he had expected. It was Laval who commented afterwards that Hitler's ill-fitting uniform made him look like a hotel porter.²

The encounter, which lasted about two hours, was inconclusive, but its symbolic impact was incalculable. Soon afterwards the Germans produced a short newsreel of the event. It shows Pétain stepping out of his car to a line of German soldiers standing at attention. He shakes hands with von Ribbentrop and Field Marshal Wilhelm Keitel. Then, accompanied by the latter, he crosses the railway track (the potted

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1. The handshake: Pétain and Hitler, 24 October 1940.

plants in evidence) where Hitler, wearing a cap that seems oddly too big, is waiting for him. The two men shake hands. The photograph of that handshake with the interpreter standing between them, and Ribbentrop slightly to the side, would be reproduced innumerable times over the next four years.³ After the war, Pétain told one of his lawyers that it had not been a proper handshake. Since Hitler had held out his hand, he could hardly ignore it – ‘but I only took his fingers’. This feeble claim was tested by Pétain’s post-war judges, who blew up reproductions of the photograph.⁴ On another occasion Pétain said: ‘He held his hand out to me; I could hardly spit in it! All the more so since I was there to see if I could get the return of our prisoners.’⁵

Whatever kind of handshake it was, the photograph was a propaganda coup for the Nazi regime, headline news throughout the world, and a shock to French public opinion. It was a shock because the armistice did not signify that France was formally at peace with Germany. An armistice is merely a suspension of hostilities. France was no longer fighting Germany, but she was technically neutral. Many people wanted

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to believe that, behind the scenes, Pétain was secretly working against Hitler with France's former ally Britain, or with General de Gaulle, who was continuing the fight from London. Was it still possible to believe this after the handshake? In a radio speech on 30 October, explaining the Montoire meeting to the French public, Pétain made things worse:

Last Thursday I met the Chancellor of the Reich. This meeting has aroused hopes and provoked concerns: I owe you some explanations . . . It was entirely of my own volition that I accepted the Führer's invitation. There was no Diktat and no pressure. A collaboration is envisaged between our two countries. I have accepted the principle of it. The details will be discussed later . . . He who has taken into his hands the destiny of France has a duty to create the atmosphere most favourable to safeguard the interests of the country. It is in honour, and to maintain French unity . . . in the framework of the active construction of a new European order that I enter today down the road of collaboration . . . This collaboration must be sincere.⁶

This was not the first time the word 'collaboration' had been used to describe the relations between France and Germany since the defeat. It appeared in clause 3 of the armistice requiring French authorities in the Occupied Zone to 'collaborate' with the Germans. But this related to technical cooperation on routine matters of administration; it had no political connotations. The word 'collaboration' had also appeared obliquely in a speech by Pétain on 11 October suggesting that France needed to 'free herself from her so-called traditional enmities and friendships' in order 'to seek collaboration in all fields with *all* her neighbours [i.e. Germany]'. But on 30 October, in one short speech, Pétain used the word three times, presenting it as a bold new direction of French foreign policy. He was aware of the gravity of his words: 'This is my policy. My ministers are responsible to me. It is I alone who will be judged by History.'

TRIAL OF THE CENTURY

That hour of judgement came almost five years later when Pétain was brought before a High Court to answer for his conduct. The court

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had been set up by the provisional government of General de Gaulle after the Liberation of France in the summer of 1944. De Gaulle had left France for London four years earlier because he refused to accept the armistice with Germany. In a famous radio broadcast on the BBC on 18 June 1940 he had sounded the call to resistance, and soon afterwards he also raised the spectre of retribution. In another broadcast in July 1940 he declared that France would ‘punish . . . the artisans of her servitude’.⁷ He gave no names but his speeches over the next four years never held back from direct attacks on Pétain, whom he referred to as ‘le Père la Défaite’ – Father of Defeat – an ironic inversion of the soubriquet applied to Georges Clemenceau, France’s prime minister during the Great War, who had been dubbed ‘le Père la Victoire’ – Father of Victory.

Vichy leaders at first had little reason to be seriously worried about these hollow threats from a minor general across the Channel – soon to be ‘ex-General’ when they stripped him of his title and sentenced him to death in absentia. But de Gaulle’s broadcasts on the BBC gradually transformed him into the embodiment of resistance. In May 1943, after the Allies had secured North Africa, he moved his base of operations to Algiers and became head of the French Council for National Liberation (CFLN). On 3 September 1943 this proto-government in exile issued a decree stating that France would bring to trial ‘Pétain and those who belonged or belong to the pseudo-government created by him, which capitulated, destroyed the constitution, collaborated with the enemy, delivered French workers to the Germans’.⁸

The trial of Pétain finally opened in Paris on 23 July 1945 (ending on 15 August). Sandwiched between the celebrations for VE Day on 8 May, marking the end of the war in Europe, and VJ Day on 15 August, marking the end of the war in the Far East, Pétain’s trial was the news event of the summer. ‘The greatest trial in history’, as the headlines grandiloquently proclaimed, was front-page news of every French newspaper every day for three weeks. Despite chronic shortages, the paper allowance was temporarily increased to allow newspapers to publish four pages instead of two. Even this left little space for other news. Only a few international events, such as Winston Churchill’s surprising electoral defeat or the dropping of the

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atom bomb on Hiroshima, displaced the trial from the headlines. The trial attracted worldwide attention, especially in Britain and America, but also in Scandinavia, Canada and Spain.⁹ Most foreign embassies sent an observer every day. It was attended by the most celebrated journalists of the day and discussed in the press by France's most famous writers – François Mauriac, Albert Camus, Georges Bernanos.

This was obviously a 'political' trial. It was inconceivable that Pétain would not be found guilty. The only uncertainty was the penalty. As Camus wrote in April 1945: 'If Pétain is absolved, it would mean that all those who fought against the occupier were in the wrong. Those who were shot, tortured, deported would have suffered in vain.'¹⁰ This was only one of many trials that took place in the aftermath of the Axis defeat. The most famous of these, the Nuremberg trials, opened in September 1945, a month after Pétain's trial ended, and they were followed by the Tokyo trials in April 1946. Yet in both these cases the defendants were being tried by an International Tribunal, whereas in Pétain's case a *French* court was judging a *French* leader. Perhaps more comparable might be the trial of the Norwegian collaborationist leader Vidkun Quisling, which started on 20 August, five days after Pétain's trial closed. But Quisling was a fanatical Nazi sympathizer with no popular support. Pétain, on the other hand, had been revered and loved by the French, and the Vichy regime had been recognized by governments throughout the world, including the United States. Another comparison might be the trial of the Romanian leader Ion Antonescu in May 1946, but this was undertaken primarily to assert the legitimacy of the new Communist regime.¹¹ In all trials of this kind, many factors are at play: retribution and revenge for the victors, consolation and closure for the victims. They are also exercises in national pedagogy, enabling the new political authorities to deliver their version of history.¹²

All this was true of the Pétain trial. One can understand why a historian has written that this was less a trial than 'an elaborate ceremony aimed at symbolically condemning a policy'.¹³ But despite many irregularities, what took place in the courtroom was not a charade. Pétain's defence lawyers were allowed to interrogate witnesses and consult documents. Over the course of three weeks, sixty-three witnesses were called to testify in the crowded and stiflingly hot courtroom. They

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included a former President of the Republic and five former prime ministers; generals and admirals, diplomats and civil servants; former resisters and former collaborators; even a Bourbon prince.

The trial of a Marshal of France was by definition an extraordinary event. In France, the title ‘Marshal’ is an honour rather than a military rank. It is awarded to generals in recognition of exceptional service in wartime only. Eight Marshals had been created after the Great War. Pétain was the only one alive in 1945. An aura surrounds any French Marshal, but Pétain had become a semi-divinity due to his command of France’s armies at the Battle of Verdun, February–December 1916, the longest battle of the war. Since the French Revolution, only two other Marshals had been put on trial. Marshal Ney, one of Napoleon’s most famous generals, was tried under the Bourbon monarchy in December 1815, and Marshal François Bazaine, commander of the French Army during the Franco-Prussian War, was tried in 1873 for surrendering to the Germans in 1870. Ney was executed; Bazaine sentenced to life imprisonment. Bazaine is forgotten today, but in 1945 comparisons between him and Pétain were frequently made. On the first page of his war memoirs General de Gaulle recalled his mother’s shock at seeing her parents, in tears, as they cried out: ‘Bazaine has capitulated’.¹⁴

Bazaine was accused of only a single act of military dereliction, surrender to the enemy. Pétain was being tried for his role as Head of State during the four most controversial years in French history. To express the immensity of what was at stake, his trial was often compared to that of Louis XVI or Charles I of England – even that of Joan of Arc. The trial of Pétain was in some sense putting France on trial: few people had not at some moment believed in him. He may have been a sacrificial victim in the national catharsis of the Liberation, but complicity in the actions of his regime was widely shared.

The trial also promised to be an opportunity for self-education. In June 1940, when France’s armies were collapsing, millions of French men and women were on the roads with their families fleeing the advancing Germans. They knew nothing of the behind-the-scenes political machinations leading to that fateful radio speech when Pétain announced that his government was seeking an armistice. Once the new regime took power in Vichy, it offered its own partisan version of

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events, setting up a High Court at the town of Riom, near Vichy, to try the politicians it blamed for having dragged France into war and causing her defeat. One of Pétain's most famous slogans had been: 'I hate the lies that have done you so much harm.' Meanwhile in London, French broadcasters on the BBC coined the jingle '*Radio Paris ment, Radio Paris est allemand*' ('Radio Paris lies, Radio Paris is German').

So who was telling the truth? Who was lying? For four years the French had survived on vague rumours and desperate hopes. They had constructed their own version of events by sifting through the distortions and half-truths of Vichy propaganda, the news they heard on the BBC, the broadcasts of de Gaulle, the resistance tracts they stumbled upon. Now, for the first time, they had an opportunity to hear these painful and confusing events being presented, debated and explained.

PÉTAIN'S CRIME

This book does not seek to 're-open' the trial or to argue that Pétain was treated too harshly or not harshly enough. That has been done several times over the years, mostly by nostalgic Pétainists trying to rehabilitate Vichy.¹⁵ These are now a diminishing band and if the trial were re-opened today, it would not be by defenders seeking to rehabilitate their hero but by those eager to convict him for Vichy's role in the deportation of 75,000 Jews. In the courtroom in 1945 that terrible event attracted less attention than a telegram that Pétain might or might not have sent to Hitler on 25 August 1942, after a failed Anglo-American landing in Dieppe. This is not only because the persecution of the Jews was a less central issue then, but also because of the way in which the case against Pétain had been framed. He was tried for treason, which is described in the French Penal Code as '*intelligence* [collusion] with the enemy'. Today he would be tried for 'crimes against humanity', a category of crime that was developed at Nuremberg just after Pétain's trial had finished. It is also true that we know much more about Vichy's role in the deportation of the Jews than the court in 1945. But there was also much else the court did not know it

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knew: the judge who took over the High Court after Pétain's trial even wrote a book (in English, *The Real Trial of Marshal Pétain*), because he was shocked how much of the evidence collected for the trial had not been exploited.¹⁶

Revisiting Pétain's trial is not the same as re-opening it. It offers a fascinating opportunity to watch the French debating their history. Through the arguments in the courtroom we can explore choices that were made and paths that were taken; but also paths that were not taken and choices that were rejected. We can hear the historical actors of both sides explaining their decisions, see how Vichy's defenders justified their actions, and understand what the regime's accusers considered to be its main crimes.

The shorthand term 'Vichy' encompasses a dense period of four years during which events moved disconcertingly fast. After the armistice on 22 June, France's parliament was convened hastily at Vichy on 10 July to grant Pétain full powers to draft a new constitution. The very next day he issued a series of 'Constitutional Acts' which effectively made him a dictator and put parliament into abeyance. The Republic was not formally abolished, but Pétain was now described as 'Head of State' – leaving it ambiguous what kind of state he headed.

Using these new powers, Pétain's government proceeded to implement what it described as a 'National Revolution', issuing a string of new ordinances, which included measures of persecution against Jews. It also set up a special court at Riom near Vichy to try those it blamed for the defeat. The real head of the government in this period was the former prime minister, Pierre Laval, who was officially anointed as Pétain's successor in one of the Constitutional Acts. This monarchical touch made Laval Pétain's dauphin. But on 13 December 1940 Laval was summarily sacked by Pétain for reasons that remain obscure. The presumption that Laval was sacked because Pétain disapproved of 'collaboration' with Germany is weakened by the fact that his successor, Admiral Darlan, pushed that policy even further, offering Germany the use of French air bases in Syria in May 1941.

Although Darlan could hardly be accused of being a lukewarm collaborator, the Germans never forgave Pétain for sacking Laval. In April 1942 they forced Pétain to recall him. Laval was now Vichy's uncontested strongman until the end, but his freedom of manoeuvre

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in relation to Germany was shrinking. In his first period in power, Laval had envisaged collaboration as a way of preparing the ground for a general settlement with a victorious Germany. When he was recalled, it was more a matter of interminable wrangling with the Germans, whose demands became ever more insatiable as the war turned against them. They demanded that French workers be recruited for their war factories, that Jews be rounded up for deportation, and that the Vichy government step up its repression of the Resistance.

Laval's ability to manoeuvre was fatally weakened in November 1942 when American forces landed in French North Africa. Almost immediately the Germans retaliated by occupying the whole of France. The armistice had originally allowed Vichy a large Unoccupied Zone and left her in control of her North African colonies. Now, at a stroke, Vichy France had lost those two important assets. This was a major turning point for the regime. Pétain might have taken the opportunity to resign or join the Allies in North Africa. He opted instead to remain in place, linking his fate irrevocably to the Vichy regime until its demise in August 1944.

Negotiating its way through the thickets of this complicated history, the trial had to answer many questions. Was the armistice itself treason? Was there a realistic alternative? Was the vote granting powers to Pétain in 1940 legal? Had he abused the powers he had been granted? Could collaboration be defended? Had Pétain supported it? Why did Pétain hang on to power even after November 1942? What were the respective responsibilities of Pétain and Laval in this tragic history?

Beyond debating these specific issues, the trial confronted broader moral and philosophical questions. Where did patriotic duty lie after the defeat? Does a legal government necessarily have legitimacy? Are there times when conscience overrides the duty to obey laws? Are there times when the immediate well-being of the people of a nation can conflict with that nation's higher interests?

The answers to these questions were not self-evident. We can see this by considering the contrasting views of three contemporary observers who opposed Vichy. The first was General de Gaulle himself. Writing ten years after the event, de Gaulle did not disguise his displeasure at the conduct of the trial:

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For me, the supreme fault of Pétain and his government was to have concluded . . . the so-called ‘armistice’. Certainly, on the date when it was signed, the battle in mainland France was undeniably lost. Ending the fighting . . . in order to put an end to the rout, would have been a totally justified local military decision . . . Then the government would have gone to Algiers taking with it the treasure of French sovereignty, which for fourteen centuries had never been handed over, continuing the struggle to the end. But to have taken out of the war our untouched Empire, our intact fleet, our colonial troops . . . to have reneged on our alliances, and above all to have submitted the State to the discretion of the Reich – that is what should have been condemned . . .

The handing over to Hitler of French political prisoners, of Jews, of foreigners that had taken refuge with us . . . all these stemmed ineluctably from the poisoned well [i.e. the armistice] . . . So I was annoyed to see the High Court, the politicians, the newspapers, refrain from stigmatizing ‘the armistice’ and, instead, concentrating on facts accessory to it.¹⁷

Raymond Aron, who would become one of France’s most celebrated intellectuals after the war, left for London in 1940. As editor of the journal *France Libre*, a publication unremitting in its attacks on the Vichy regime, Aron wrote excoriating attacks on collaboration. He could not be accused of any kind of sympathy for Pétain. But when he published his articles in book form two months before the Pétain trial, he attached a note nuancing his original judgements. The problem when judging Vichy, he suggested, was ‘that the consequences of the acts had almost nothing in common with the intentions of the actors’. He went on:

It is not impossible that the armistice and Vichy, for two and half years, attenuated the rigours of the occupation. In interposing the French administrative apparatus between the Gestapo and the French population, the policy . . . procured for the 40 million French who found themselves hostages, multiple although mediocre advantages that are as difficult to quantify as to deny . . . Recognized by Russia until the spring of 1941, and by the United States until the Liberation of North Africa [in November 1942], the government of Vichy could be seen in the eyes of the mass of civil servants, and above all army officers, as a legitimate

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